

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WILFRIDO CALI, on behalf of himself  
and all other persons similarly situated,

Plaintiff,

No. 19 Civ. 10592 (LTS)(KHP)

-v-

LIBRETTOS ON 3RD INC. d/b/a  
LIBRETTO'S PIZZERIA and JOHN  
DOES #1-10,

ORDER

Defendants.

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This putative Fair Labor Standards Act collective action having been commenced by the filing of a complaint on November 15, 2019, and the defendant Librettos on 3rd Inc. d/b/a Libretto's Pizzeria having failed to interpose a timely answer to the complaint or otherwise move in this proceeding, and plaintiff Cali, who is the only individual who has filed a consent to sue, having sought permission to move for a default judgment, and the Court having determined that an investigation of the factual basis of the allegations of the complaint herein pursuant to Fed. R. Civ. P. 55(b)(2) is appropriate, it is hereby

ORDERED, that the plaintiff may make a motion for a default judgment as to his own claims; and it is further

ORDERED, that the plaintiff's motion must be accompanied by evidence, in admissible form, of such facts as it would have proffered to meet its burden of proof on its direct case had a trial been held in this action; and it is further

ORDERED, that such motion for default judgment must be served on the defendant and must be accompanied by copies of the Clerk's Certificate and of proof of service of the summons and complaint and the motion for default judgment as provided by the undersigned's Individual Practices Rules; and it is further

ORDERED, that said motion shall be briefed in accordance with the schedule set forth in Local Civil Rule 6.1 and will be taken on submission unless otherwise directed by the Court; and it is further

ORDERED, that plaintiff must serve a copy of this Order on defendant and file proof of such service within fourteen (14) days from the date hereof.

Dated: New York, New York  
January 15, 2020

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge